

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EUGENE ALLEN HERNANDEZ, SR.,

Plaintiff,

vs.

CIV 10-0342 CG

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

THIS MATTER is before the Court *sua sponte*. Plaintiff is ordered to show cause why his case should not be dismissed for lack of prosecution. Plaintiff filed his complaint on April 12, 2010, and the Commissioner was served on June 15, 2010. (Doc. 1; Doc. 15). Following the Commissioner's answer, a briefing schedule was set by this Court in which Plaintiff was directed to file a Motion to Reverse or Remand Administrative Agency ('MRR') by October 18, 2010. (Doc. 21). On October 21, 2010, Plaintiff requested an extension to file the MRR. The Court granted the extension and the deadline to file the MRR was re-set for November 17, 2010. Plaintiff has yet to file the MRR, as required by this Court's Order.

In light of this finding, the applicable law, and the Court's inherent power to regulate and properly manage its docket, promote judicial efficiency, and deter frivolous filings, see *Martinex v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984), the Court hereby directs Plaintiff to show cause within thirty calendar days of the entry of this Order why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure of the plaintiff to prosecute or to comply with these rules or any order of court."

IT IS THEREFORE ORDERED that Plaintiff shall show cause within thirty calendar days of the entry of this Order why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent